

Attorney's Docket No.: 10559-494001 / P11786

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 06 2005

Applicant : James R. Trethewey  
Serial No. : 09/955,469  
Filed : September 18, 2001  
Title : LOAD BALANCING AND FAULT TOLERANCE FOR SERVER-BASED  
SOFTWARE APPLICATIONS

Art Unit : 2151  
Examiner : Khanh Dinh

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated May 6, 2005, finally rejecting claims 1-40.

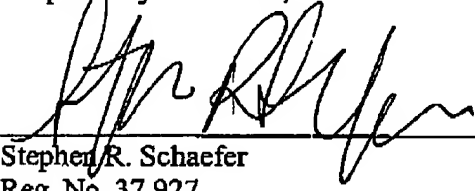
A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 1 month(s) to and including September 9, 2005 is enclosed.

Please charge the requisite fee of \$500 to Deposit Account No. 06-1050. Please apply any other charges or credits to Deposit Account No. 06 1050.

Respectfully submitted,

Date:

Sep. 6, 2005

  
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60313142.doc

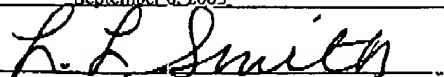
## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 6, 2005

Date of Deposit

Signature



Leslie L. Smith

Typed or Printed Name of Person Signing Certificate

09/08/2005 CCHAU1 00000066 061050 09955469  
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